

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163973)
4 Chief, Criminal Division

5 ANDREW P. CAPUTO (CSBN 203655)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102
9 Telephone: (415) 436-7004
10 Fax: (415) 436-7234
11 Email: andrew.caputo@usdoj.gov

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) No. 3-09-71021 JCS
17 Plaintiff,) STIPULATION AND [PROPOSED]
18 v.) ORDER EXCLUDING TIME FROM
19 ZHEN PAI LIU,) SPEEDY TRIAL ACT CALCULATION
20 Defendant.) (18 U.S.C. § 3161(h)(7)(A)) AND
21) EXTENDING TIME PURSUANT TO FED.
22) R. CRIM. P. 5.1

23 With the agreement of the parties, and with the consent of defendant Zhen Pai Liu, the
24 Court enters this order documenting (a) an exclusion of time under the Speedy Trial Act, 18
25 U.S.C. § 3161(b), from June 7, 2010, to July 7, 2010, and (b) an extension to July 7, 2010, of the
26 time for holding a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1. The
27 parties agree, and the Court finds and holds, as follows:

28 1. Defendant agreed to an exclusion of time under the Speedy Trial Act. The parties
have been engaged in discussions about a potential resolution of this case. Defendant's counsel
wishes to review certain discovery materials and to consult with his client about those discovery
materials and about the case. In addition, defendant's counsel will be out of the country for
approximately ten days later this month. Accordingly, failure to grant the requested continuance

would unreasonably deny defendant's counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case, and also would unreasonably deny defendant continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from June 7, 2010, to July 7, 2010, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(7)(A). For the same reasons, the Court found good cause to delay a preliminary hearing until July 7, 2010. Fed. R. Crim. P. 5.1(d). Defendant consented to this delay in the preliminary hearing.

3. Accordingly, and with the consent of the defendant, at the hearing on June 7, 2010, the Court ordered that the period from June 7, 2010, to July 7, 2010, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Also with the consent of the defendant, the Court ordered that any preliminary hearing be continued until July 7, 2010.

IT IS SO STIPULATED.

DATED: June 8, 2010

/s/
HUGH ANTHONY LEVINE
Attorney for Defendant

DATED: June 8, 2010

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 06/14/10

